

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2016 MAR 11 PM 2:40

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SO. DIST. OF GA.

LORETTA SMITH,

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Petitioner,

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CIVIL ACTION NO.

v.

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CV 315-044

*

(formerly 315-005)

UNITED STATES OF AMERICA,

*

*

Respondent.

*

O R D E R

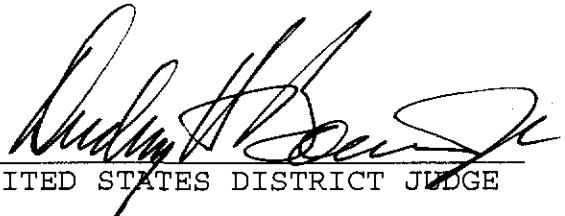
On May 19, 2015, Petitioner Loretta Smith, an inmate at Alderson Federal Prison Camp ("ADAP") in Alderson, West Virginia, filed a petition under 28 U.S.C. § 2255 to vacate, set aside or correct her federal sentence. Petitioner raises three ineffective assistance of counsel claims, including the claim that her trial counsel failed to file a timely appeal or to consult her about an appeal.

The United States Magistrate Judge scheduled an evidentiary hearing with respect to this claim for March 7, 2016. Also, Petitioner was appointed counsel for the hearing. Four days prior to the scheduled hearing, Petitioner, through counsel, moved to dismiss her § 2255 petition in its entirety and seeks therein an "expeditious

return" to Alderson, West Virginia. The government does not oppose the motion.

Upon due consideration, **IT IS ORDERED** that the motion to dismiss (doc. no. 13) is **GRANTED**. The case is dismissed with prejudice. **IT IS FURTHER ORDERED** that the United States Marshal shall make reasonable efforts to expedite the return of Petitioner to the ADAP facility in West Virginia.

ORDER ENTERED at Augusta, Georgia, this 110 day of March, 2016.



UNITED STATES DISTRICT JUDGE